

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>IN RE</b>	)	<b>CHAPTER 13</b>
	)	
<b>TERRY ALAN TENNYSON</b>	)	<b>CASE NO. A07-78937-CRM</b>
	)	
<b>DEBTOR</b>	)	<b>JUDGE: MULLINS</b>
<hr/>	)	
	)	
<b>NANCY J. WHALEY</b>	)	<b>Contested Matter</b>
	)	
<b>APPELLANT</b>	)	
<b>vs.</b>	)	
	)	
<b>TERRY ALAN TENNYSON</b>	)	
	)	
<b>APPELLEE</b>	)	
<hr/>	)	

**DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD  
ON APPEAL AND A STATEMENT OF THE ISSUES TO BE PRESENTED**

Appellant, Nancy J. Whaley, Chapter 13 Trustee for Terry Tennyson, files, pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, this Designation of Items to be Included in the Record on Appeal and a Statement of the Issues Presented.

Designation of the Items to Be Included in the Record on Appeal

1. Docket Item Nos. 1, 2, 7, 14, 16, 18, 19, 24, 25, 31

Statement of Issues on Appeal

1. Did the Court below (the “Bankruptcy Court”) err in confirming the Debtor’s plan over the Trustee’s objection that the plan fails to provide a 60 month Applicable Commitment Period when the Debtor’s income is above the median income for a similar household size in Georgia?

2. Did the Bankruptcy Court err in determining that the Applicable Commitment Period is irrelevant when a Debtor has no disposable income listed on the Official Form 22C and pursuant to 11 U.S.C. § 1325(b)?

Dated: October 20, 2008

/s/Nancy J. Whaley  
Nancy J. Whaley  
Chapter 13 Trustee  
State Bar Number 377941  
303 Peachtree Center Ave., NE, Suite 120  
Atlanta, GA 30303  
(678) 992-1209

/s/Eric W. Roach  
Eric W. Roach  
Attorney for Chapter 13 Trustee  
State Bar Number 143194  
303 Peachtree Center Ave., NE, Suite 120  
Atlanta, GA 30303  
(678) 992-1213

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served:

Debtor:

Terry Alan Tennyson  
1258 Allgood Road  
Stone Mountain, GA 30083-5353

Attorney to Debtor:

Alex Dolhancyk  
The Dolhancyk Law Firm, PC  
522 Flint Trail, Suite B  
Jonesboro, GA 30236

with a copy of the foregoing Trustee's Designation of Items to be Included in the Record on Appeal and a Statement of the Issues to be Presented by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This the 20<sup>th</sup> day of October, 2008.

/s/Nancy J. Whaley

Nancy J. Whaley  
Chapter 13 Trustee  
GA Bar Number 377941  
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/s/Eric W. Roach

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